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May 4, 2012

**VIA E-MAIL**

Michelle Kerr  
Remedial Project Manager  
U.S. Environmental Protection Agency  
Superfund Division  
77 W. Jackson Blvd., SR-6J  
Chicago, IL 60604

***Re: Chemetco Superfund Site  
Hartford, Illinois  
Response of TOMRA Pacific, Inc. to Nov. 30, 2011 Request for Information***

Dear Ms. Kerr:

This law firm represents TOMRA Pacific, Inc. ("TPI") with respect to the above-referenced matter. Enclosed, please find TPI's response to U.S.EPA's request for information pursuant to CERCLA Section 104(e), including three attachments thereto.

Very truly yours,

  
Carey S. Rosemarin

cc: Walter Garigliano, Esq.

**Response of TOMRA Pacific, Inc. (“TPI”)  
to U.S.EPA Information Request of November 30, 2011,  
Chemetco Superfund Site, Hartford, Illinois<sup>1</sup>**

1. Provide the following information about your company (“Respondent”):

- a. The complete and correct legal name of your company.

**Response:** TOMRA Pacific, Inc.

- b. The name(s) and address(es) of the President and the Chairman of the Board, or other presiding officer of the company.

**Response:** Geoffrey Knotwell  
President  
One Corporate Drive, Suite 710  
Shelton, CT 06848

Walter Garigliano  
Secretary and Treasurer  
449 Broadway  
P.O. Drawer 1069  
Monticello, NY 12701-1069

Stefan Ranstrand  
Director  
Drengsrudhagen 2  
P.O. Box 278  
1372 Asker  
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Espen Gundersen  
Director  
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<sup>1</sup> Nothing in these Responses are intended to constitute any admission of liability whatsoever. TOMRA Pacific, Inc. waives no rights and retains all rights it may possess.

- c. The state of incorporation of the company and the company's agents for service.

**Response:** Delaware; Corporation Service Company (d/b/a CSC Lawyers Incorporating Service).

- d. The name(s) of all subsidiaries, affiliates, or parent companies to your company.

**Response:** Immediate Parent: TOMRA North America, Inc.  
Ultimate Parent: TOMRA Group  
Subsidiaries: None  
Affiliates: See organizational chart at:  
[http://www.tomra.com/media/2012/group\\_structure\\_feb2012.html](http://www.tomra.com/media/2012/group_structure_feb2012.html)

- e. The state of incorporation and agents for service of process in the state of incorporation.

**Response:** Delaware; Corporation Service Company.

- f. The status of all subsidiaries, affiliates, or parent companies to your company.

**Response:** TPI is an active corporation. TPI purchased certain assets from the Western Division of Reynolds Metals on or about March 1, 1998. Among the assets purchased were three yards, located in Las Cruces, New Mexico, Albuquerque, New Mexico and Aurora, Colorado (collectively, the "TPI Yards"). The Las Cruces yard was closed in 2000. The other two yards were sold to an unrelated company on December 31, 2001. TPI has conducted a diligent search for the information sought by this information request. However, because of the involvement of non-TPI entities and the passage of time, limited information is available, although TPI's investigation continues.

2. Describe and provide any documents related to your company's business activities which resulted in sending material to Chemetco.

**Response:** To date, our search has disclosed solely the following documents, both of which are spreadsheets (copies enclosed):

1. "YTD 2000 TMM Shipments (4<sup>th</sup> Qtr Layouts).xls" (Attachment 1);
2. "2001 YTD sales.xls" (Attachment 2).

Both spreadsheets show sales of products to Chemetco (as well as other entities). However, the documents underlying the transactions reflected on the spreadsheets have not been found and are believed to have been discarded. The column designations on

the spreadsheets are identified and explained to the extent understood in Attachment 3.

3. Describe and provide any documents related to your company's role at the Site, including what duties/involvement your company had at the Site.

**Response:** TPI has not identified any information to the effect that it had any role at the Site, or that it had any duties/involvement at the Site. TPI has no reason to believe such information exists. See response to Question 2, above.

4. If the nature or size of Respondent's activities in relation to Chemetco changed over time, describe those changes and the dates they occurred.

**Response:** To TPI's knowledge, Respondent's "activities in relation to Chemetco" consisted solely of selling products to Chemetco. The only manner in which such activities are believed to have changed is reflected in response to Question 2, above.

5. For each type of waste or material used in Respondent's operations, describe and provide documents relating to Respondent's contracts, agreements, or other arrangements for its disposal, treatment, trading, or recycling with Chemetco, including but not limited to whether Respondent controlled where waste sent to Chemetco warehouses was ultimately processed/recycled.

**Response:** To TPI's knowledge TPI sold to Chemetco the products identified in response to Question 2, above. Those products did not include waste and to TPI's knowledge, these were the only items TPI sold to Chemetco. To TPI's knowledge, TPI had no contracts, agreements, or other arrangements for the disposal, treatment, trading, or recycling of waste with Chemetco. TPI has discovered no information to the effect that it had or exercised any control where waste (or any other material) sent to Chemetco warehouses, if any, was ultimately processed/recycled. TPI has no reason to believe such information exists.

6. If not already provided, specify the dates and circumstances when Respondent's waste or material was taken to the Site, and identify the companies or individuals who brought Respondent's waste/material to the Site. Provide any documents which support or memorialize your response.

**Response:** TPI sold to Chemetco the items indicated in response to Question 2, above; those items did not include waste. It is not known whether any item(s) from any of the TPI Yards was transported to the Site.

7. Were transactions between your company and Chemetco and specifically the Site: 1) an outright sale; 2) subject to a written or verbal “tolling” agreement between the companies; or 3) reflected the “banking” of the transacted material in a metal account at the request of your company for return or other disposition at a later date?

**Response:** TPI has no information to suggest that its transactions with Chemetco consisted of anything other than outright sales and has no reason to believe any contrary information exists.

8. Did your company have any influence over waste disposal or recycling activities at the Site? If so, how?

**Response:** TPI has no information to suggest that it had any influence over waste disposal or recycling activities at the Site, and has no reason to believe such information exists.

9. Was any shipment of material sent to the Site by Respondent ever refused and/or returned? If so describe this event in detail, including its cause and outcome.

**Response:** TPI has no information to suggest that any of the products it sold to Chemetco were ever refused and/or returned by Chemetco. TPI has no reason to believe such information exists.

10. Describe in detail the types of material that you sent for recycling, processing, or disposal at the Site. In your response, please also give the generic name of each type of materials shipped to the Site [e.g., scrap metal (including scrap automobiles), batteries, electronics, scrap paper, scrap plastic or scrap textile, etc.].

**Response:** See response to Question 2.

- a. Identify whether the materials were delivered directly to the Site or were trans-shipped there from another interim delivery point. If applicable, describe each such delivery point.

**Response:** TPI has no knowledge of the interim or final destination of shipments made pursuant to sales of products to Chemetco.

- b. State whether any of the material was ever tested by your company and if so, whether the substances exhibited any of the characteristics of a hazardous waste identified in 35 Illinois Administrative Code 721, Subpart C or 40 C.F.R. § 261, Subpart C.

**Response:** TPI has no knowledge as to whether it tested any of the products it sold to Chemetco.

- c. Describe what was done to materials once they were brought to the Site, including any further processing of the materials.

**Response:** It is not known whether any item(s) from any of the TPI Yards was transported to the Site. To the extent that such material was transported to the Site, TPI has no information in response to Question 10.c.

- d. Provide any additional information and all documents that you believe are related to the type, nature and characteristics of the materials you sent to the Site.

**Response:** As of the date of this Response, TPI has no additional information in response to Question 10(d). See responses to Questions 1(f) and 2.

- e. List the years in which your company sent materials to Chemetco and/or its brokers(s) for recycling, processing, or disposal.

**Response:** TPI sold various products to Chemetco (see response to Question 2, above). TPI has no information as to whether it dealt with Chemetco's brokers.

#### **Questions and Requests for Documents Related to Scrap Metal**

*According to Update No. 2 from Michelle Kerr, of U.S.EPA, dated January 26, 2012, this heading applies to Questions 11 & 12 only.*

11. For the following questions which relate to transactions involving scrap metals, provide the requested information, and also provide copies of any documents that contain any information that is related to the response:

- a. Did a market exist for the scrap metal listed in your response to No. 10 above? If so, describe the nature of such a market at the time of the transaction (possible uses, possible consumers, etc.) and the source of the commercial specification grade (e.g., Institute of Scrap Recycling Industries, Inc. (ISRI), Department of Defense, or wherever your company would find the grade published).

**Response:** A well-established market existed for the scrap metal listed in TPI's response to Question 10, above. The TPI Yards existed for the purpose of purchasing certain types of metal products and selling them. As of the date of this Response, TPI has no information concerning the source of any commercial specification grade used, although it is believed that the

information furnished in response to Question 2, above, reflects ISRI 's grading system.

- b. What commercial specification grade did the scrap metal listed in your response to question No. 10 meet? Identify/list the commercial specification grades that each scrap metal identified in No. 9 met.

**Response:** See Attachment 1, columns L and M; and Attachment 2, column K. (It is assumed that the reference in the second question in Question 11(b) was intended to refer to Question 10 rather than Question 9.)

- c. At the time of the transaction(s) what was the intended disposition of the scrap metal listed in your response to question No. 10? Did this include burning as fuel, or for energy recovery, or incineration?

**Response:** There was no intended disposition of the scrap metal referred to in response to Question 10. TPI has no information to suggest that in selling the scrap metal at issue (i.e., TPI's inventory), it had any intent but to make a profit in compliance with all applicable laws.

- d. After sale, transfer, delivery, recycling, or disposal, what portion of the scrap metal listed in your response to question No. 10 was to be made available for use as a feedstock for manufacturing of new saleable products? Explain how the portion identified in this answer was derived or calculated.

**Response:** All of the scrap metal that TPI offered for sale was available for use as a feedstock for the manufacture of a new saleable product. At this time, TPI has no information to suggest that it acquired any information about the products it sold after the completion of the transaction.

- e. Could the scrap metal listed in your response to question No. 10 have been used as a replacement or substitute for a virgin raw material? If so, provide details.

**Response:** To TPI's knowledge, yes. TPI currently cannot provide details for lack of information.

- f. Could any products made from the scrap metal listed in your response to question No. 10 have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.

**Response:** To TPI's knowledge, yes. TPI currently cannot provide details for lack of information.

- g. Did your company melt the scrap metal listed in your response to question No. 10 before it was transported/delivered to the Site? If yes, describe the process used for melting the scrap metal.

**Response:** It is not known whether any item(s) from any of the TPI Yards was transported to the Site. To the extent that such material was transported to the Site, it was not melted because none of the TPI Yards had any equipment capable of melting the scrap metal.

- h. Describe the source of or the process that produced the materials sent to the Site.

**Response:** TPI was engaged in the business of buying and selling scrap metal and other items. Except for cutting any wire that exceeded four feet in length it did not process the scrap it purchased; it sold its inventory in the same form as it arrived at the TPI Yards.

12. Did any of the scrap material sent to the Site contain other material(s) incident to or adhering to the scrap? If so, describe in detail.

**Response:** TPI believes that insulation adhered to some wire that TPI sold, and that small parts of rubber hoses adhered to some of the radiators that TPI sold.

*According to Update No. 2 from Michelle Kerr, U.S.EPA,  
dated January 26, 2012, Questions 13 through 15 apply to all materials.*

13. Did any of the material sent to the Site contain wire or wiring? If so, was the wire's insulation first stripped before being shipped to or accepted at the Site, after being received at the Site, or was the wire not stripped?

**Response:** TPI offered wire for sale. See response to Question 2. To TPI's knowledge, TPI did not strip wire prior to, or following the sale. TPI has no information about processing of wire that was sent to the Site, if any.

14. Did the material shipped include drums or shipping containers? If so, specify the generators of the drums or shipping containers, the capacity of such drums or containers and whether such containers ever contained liquid of any sort. If so, specify the type of liquid and whether such liquids contained wastes of any kind.

**Response:** TPI has no information suggesting that it sold or shipped drums or shipping containers. TPI has no reason to believe such information exists.



15. Describe all efforts (i.e., Site visits) taken by your company to determine what would be done with the scrap metal identified in your response to question No. 10.

**Response:** TPI currently has no information about efforts taken to determine what would be done with the scrap metal identified in response to Question 10.

**Questions and Request for Documents Related to Electrical and Electronic Equipment**

*According to Update No. 2 from Michelle Kerr, U.S.EPA,  
dated January 26, 2012, this heading applies to Question 16 only.*

16. For the following questions which relate to transactions involving electrical and electronic equipment (e.g., transformers, capacitors, white goods, computers, monitors, cables, circuit boards, or other electrical equipment), provide the requested information, and also provide copies of any documents that contain any information that is related to the response:

- a. List an estimated number of shipments of electrical and electronic equipment your company sent to the Site on an annual basis and list the years. In this list, include the type and quantity, volume and weight of electrical and electronic equipment sent;

**Response:** TPI has no information suggesting it offered electronic equipment for sale, or otherwise shipped electronic equipment to any person. TPI has no reason to believe such information exists.

- b. At the time of the transaction(s), what was the intended disposition of the electrical and electronic equipment listed in your response to question 15(a)? Did the intended disposition include burning as fuel or for energy recovery or incineration?

**Response:** N/A; see response to Question 16(a).

*According to Update No. 2 from Michelle Kerr, U.S.EPA,  
dated January 26, 2012, Questions 17 – 26 apply to all materials.*

17. With respect to waste or materials sent to the Site, at the time of the transaction, specify the measures you took to determine the actual means of treatment, disposal, recycling, or other uses of the material. Provide information you had and any documents relating to the treatment, recycling and disposal practices of Chemetco at the Site. What assurances, if any, were you given by the owner/operator of the Site regarding the proper handling and ultimate disposition of the materials you sent there, as well as its compliance with

applicable environmental laws? Include in your response any correspondence to and from Chemetco relating to this topic and dates the measures were taken or assurances were given.

**Response:** TPI currently has no information in response to Question 17. See also, responses to Questions 10(c) and 11(c).

18. What efforts and when, if any, did you take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to selling, transferring, delivering disposing of, trading, or arranging for the treatment, recycling, or disposal of any materials?

**Response:** TPI currently has no information in response to Question 18. See also, responses to Questions 10(c) and 11(c).

19. Provide all information in your possession that shows that you were in compliance with applicable federal environmental regulations or standards regarding the recycling of materials, particularly Section 127 of CERCLA, 42 U.S.C. § 9627, sent to the Chemetco Site.

**Response:** TPI currently possesses no information about the compliance status of the TPI Yards, or whether the TPI Yards were subject to federal environmental regulations. See response to Question 1(f).

20. Provide all information in your possession that shows that you were in compliance with applicable federal environmental regulations or standards regarding scrap metal promulgated under Resource Conservation and Recovery Act (RCRA).

**Response:** TPI currently possesses no information to the effect that any of the TPI Yards were subject to the RCRA regulations. See response to Question 1(f).

21. Provide all RCRA Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

**Response:** See response to Question 20.

22. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.

**Response:** TPI currently possesses no information about any of the reports referred to in Question 22 being made by or on behalf of the TPI

Yards, or that such reports were required. See response to Question 19.

23. Identify the federal and state offices to which such information was sent. State the years during which such information was sent/filed.

**Response:** See response to Question 22.

24. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

**Response:** See response to Question 1(f).

25. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained. If the records were destroyed, provide us with the following:

- a. The document retention policy between 1970 and 2001;
- b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
- c. A description of the type of information that would have been contained in the documents;
- d. The name, job title and most current address known by you of the person(s) whom would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had an/or still may have the originals or copies of these documents; and
- e. The names and most current address of any person(s) who may possess documents relevant to this inquiry.

**Response:** See response to Question 1(f) [for Questions 25(a-e)].

26. Please state the name, title and address of each individual who assisted or was consulted in the preparation of the response to this information request.

**Response:** Walter Garigliano  
General Counsel  
TOMRA Pacific, Inc.  
449 Broadway  
P.O. Drawer 1069  
Monticello, NY 12701-1069

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I certify under penalty of law that this document and all enclosures were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

  
[To be signed by prepare or corporate official]

**ATTACHMENT 3**  
**To Response of TOMRA Pacific, Inc. (“TPI”)**  
**to U.S.EPA Information Request of November 30, 2011,**  
**Chemetco Superfund Site, Hartford, Illinois**

**Description of**  
**Information in Spreadsheets entitled,**  
**“YTD 2000” and “2001 YTD Sales”**

YTD 2000 Column	2001 YTD Sales Column	Column Title	Explanation
A	A	Description	Identity of Seller;
B	B	Batch	An internal accounting designation having no significance in the present context.
C	C	Control	An internal accounting designation having no significance in the present context.
D	D	Invoice	The identifying number of the invoice sent to Chemetco.
E	E	Division	The TPI facility from which the purchased goods were sent (see response to 1.d., above). AUR= Aurora, Colorado; LAS=Las Cruces, New Mexico; QUE= Albuquerque, New Mexico.
F	F	Yard	Same as Division (E, above).
G	G	Shipper	Identifies bill of lading number (not identity of shipper).
H	H	FOB Code	“Free on Board” Code, indicates the point at which possession and control of the goods transferred. TP=TOMRA Pacific, Inc. (i.e., seller arranged for transport of goods to customer’s designated facility); INC=Customer (i.e., customer arranged for pickup of goods at TPI facility).
I	I	Account	Customer (CHEM=Chemetco).
J	None	Month	Month in which goods were shipped.

K	J	Ship Date	Date on which goods were shipped.
L	None	Commodity	Identification of product.
M	K	Description	Composition of good sold.
N	L	Reference	Same as Column G (bill of lading).
O	M	Ship Gross	Weight of goods plus container (in pounds) in shipment.
P	N	Ship Tare	Weight of container (in pounds) in shipment.
Q	O	Ship Net	Weight of goods in shipment (Gross in Column M, minus Tare in Column N)
R	P	Contract	Intended by software to indicate identity of document providing for transaction, not used by TPI.
S	Q	Ship Price	U.S.D. per pound.
T	R	Ship Amount	Total cost of goods in shipment.
U	S	Ship Code	Identity of Customer (CHEM=Chemetco).
V	T	Bill Code	Identity of Payer of Invoice (CHEM=Chemetco).
W	U	Freight Rate	Indication of cost, applicable to shipments for which TPI was responsible for transporting goods to customer. NA=Not Applicable (pertaining to shipments for which customer was responsible for pickup of goods at TPI facility).
X	V	Carrier	Identifies the common carrier with respect to transactions for which the seller was responsible for shipping the goods.
Y	W	Vehicle ID	Identifies the vehicle of the common carrier used for the shipment of goods, with respect to transactions for which the seller was responsible for shipping the goods. (Further information on specific entries unavailable.)
Z	X	FRT EXP AMOUNT	Shipping cost, with respect to transactions for which the seller was responsible for shipping the goods. (Further information on specific entries unavailable.)